

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

v.

COREY SUMLIN,

Defendant.

18-Cr-682 (SHS)

MEMORANDUM ORDER

SIDNEY H. STEIN, U.S. District Judge.

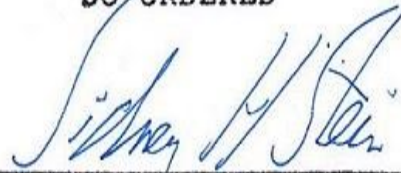
The Court has received defendant Corey Sumlin's pro se letter requesting that he be placed in home confinement in light of the COVID-19 pandemic. (ECF No. 39.)

"A court may not modify a term of imprisonment once it has been imposed except pursuant to statute." *United States v. Gotti*, No. 02 CR 743-07 (CM), 2020 WL 497987, at *1 (S.D.N.Y. Jan. 15, 2020). Here, the legal basis for Sumlin's request is unclear. The recently enacted Coronavirus Aid, Relief, and Economic Security Act (CARES) Act, Pub. L. No. 116-136, 134 Stat. 281 (2020), does not authorize the Court to place a defendant in home confinement; only the Bureau of Prisons (BOP) has such authority. *See id.* § 12003(b); *see also* 18 U.S.C. § 3624(c)(2). Rather, the Court will construe Sumlin's request as one made under 18 U.S.C. § 3582(c)(1)(A), sometimes referred to as the "compassionate release" statute.

That statute, however, allows for a sentence reduction only "upon motion of the Director of the Bureau of Prisons, or upon motion of the defendant after the defendant has fully exhausted all administrative rights to appeal a failure of the Bureau of Prisons to bring a motion on the defendant's behalf or the lapse of 30 days from the receipt of such a request by the warden of the defendant's facility." 18 U.S.C. § 3582(c)(1)(A). Here, there is no indication that Sumlin has requested that the BOP bring such a motion on his behalf. At this time, then, the Court lacks authority to consider Sumlin's request. His request to be released on home confinement is therefore denied without prejudice.

Dated: New York, New York
April 20, 2020

SO ORDERED



SIDNEY H. STEIN
U.S.D.J.